

## **REMARKS**

### **I. General**

The only outstanding issue in the instant application is that claims 1-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bruchner et al., United States Patent Number 5,820,503 (hereinafter *Bruchner*). Applicant respectfully traverses these rejections and requests reconsideration in light of the amendments presented above and the arguments presented below. Claims 1-13 are currently pending in this application.

### **II. Rejections under 35 U.S.C. § 102**

It is well settled that to anticipate a claim, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejections do not satisfy one or more of these requirements, as detailed below, particularly in light of the amendments presented above.

Independent claims 1 and 7, as amended, recite “a dual function fastener that fixes said idler to a mount and that frictionally engages and rotates said tension adjusting member to tension said pulley against a power transmission belt, as said fastener is tightened to fix said idler to said mount.” The amendments are made to clarify the nature of a “dual function fastener,” as originally defined in the specification, are supported at least in the paragraph beginning on line 24 of page 4 of the present specification. Also, independent claim 13, is amended above to, recite “applying tension to said power transmission belt by applying a tightening torque to said dual function fastener, said dual function fastener frictionally engaging and rotating said tension adjusting member.” Applicant respectfully contends that *Bruchner* does not disclose at least the above recited elements of claims 1, 7 and 13.

The present Office Action asserts:

It is apparent that as the fastener (5/6) provides two components of forces, in that it fixes the tension adjustment member (3) to the mount and at the same instant the tension adjustment member (3) will actually rotate in the direction of the turning action of the fastener due to frictional torque between the contact surfaces of the fastener and the bearing mount thereby inherently tensioning on the belt.

However, at column 3, lines 29-33, *Bruchner* describes providing final tension by stating: “With the help of a wrench applied to the wrench-application surface 12, the bearing pin 3 is then turned around the eccentric 5 in anti-clockwise direction beyond the top dead center of the bearing pin 3” (emphasis added). Later in the same paragraph, *Bruchner* describes “that the bearing pin 3 does not need to be held tight till it is fixed on the protective plate by tightening the screw 5.” Thus, it is apparent that fastener (5/6) does not provides two components of force. Fastener 5/6 only fixes bearing pin 3 to the protective plate. Bearing pin 3 is separately rotated in an anticlockwise, in the loosening direction for screw 5, using wrench flats 12, to its final tensioning position, where it is then fixed to plate 1 using screw 5. Thus, screw 5 of *Bruchner* cannot frictionally engage pin 3 to tension the pulley against a power transmission belt, or the like, as such frictional engagement would actually loosen tension on the belt. Further evidence of this relationship can be found at column 3, lines 34-39. There, *Bruchner* describes “that the bearing pin 3 does not need to be held tight till it is fixed on the protective plate by tightening the screw 5.” This text clearly highlights that Buckner teaches against frictional engagement of fastener 5/6 with bearing pin 3, in that it clearly indicates that bearing pin 3 must be held (such as by applying a wrench to wrenching flats 12) while screw 5 is tightened to fix bearing pin 3 to the protective plate, in effect to overcome frictional engagement between the fastener and the bearing pin.

The final office action answers Applicant’s prior arguments by stating:

*Bruchner et al.* recognizes the dual function of the screw (see col. 3, lines 30-40). It should be noted that the bearing pin (3) is turned by a wrench until the pin (8) abuts against a circumferential end of the groove until no further turning is required. The application of the screw is introduce to tighten the bearing pin unto the plate after the bearing pin is rotational locked into position. Therefore, it can be understood that without the locking pin (8), the introduction of the screw (5) would continue to rotate the bearing pin (3) and in the same instant lock the bearing pin to the plate, thus performing a dual function.

Applicant notes, as discussed above, bearing pin (3) of *Bruchner* is turned by a wrench anti-clockwise until the pin (8) abuts against a circumferential end of the groove. The application

of the screw to tighten the bearing pin to the plate after the bearing pin is rotational locked into position would be in the clockwise direction. Therefore, one of ordinary skill in the art would appreciate that if head (6) of screw (5) of *Bruchner* were to frictionally engage bearing pin (3), it would rotate pin (3) in the clockwise direction, and the end of groove 9 out of abutment with locking pin (8), contrary to the contention of the final Office Action. (See the solid line portion of Figure 3 of *Bruchner*.) Further, such rotation of bearing pin (3) in the clockwise direction would remove the tension introduced by rotation of bearing pin (3) in the anti-clockwise direction, which is clearly contrary to the teachings of *Bruchner*.

Thus, Applicant respectfully asserts *Bruchner* fails to teach that screw (5) frictionally engages a tension adjusting member to adjust tension of a pulley on a power transmission belt, or the like, as claimed by the present independent claims. Therefore, *Bruchner* fails to teach all elements of independent claims 1, 7 and 13. Hence, Applicant respectfully asserts that at least for at least the above reasons independent claims 1, 7 and 13 are patentable over the 35 U.S.C. § 102 rejections of record. Furthermore, as can be appreciated by the above discussion, there are great differences between claim 1, 7 or 13 and the art of record, and a person of ordinary skill in the art considering the prior art would not find these differences obvious.

Claims 2-6 each ultimately depend from independent claim 1 and claims 8-12 each ultimately depend from independent claim 7. Thus, each of claims 2-6 and 8-12 inherit all elements of claims 1 and 7, respectively. Therefore, for at least the reasons advanced above in addressing the anticipation rejection of claims 1 and 7, each of claims 2-6 and 8-12 set forth features and elements not recited by *Bruchner*. Hence, Appellant respectfully asserts that claims 2-6 and 8-12 are also patentable over the 35 U.S.C. § 102 rejection of record.

Furthermore, many of claims 2-6 and 8-12 contain elements not taught or suggested by *Bruchner*. For example, even if *Bruchner* could be said to teach or suggest a tension adjusting member comprising a reaction friction surface and a resistance friction surface as recited in claims 3 and 9, *Bruchner* clearly fails to teach or suggest that the reaction friction surface cooperates with a reaction mating surface of a dual function fastener to produce a reaction torque upon said tension adjusting member greater than a resistance torque produced by a cooperation of the said resistance friction surface with a mounting surface, such as recited in claims 4 and 10. Clearly any reaction torque produced by friction of head (6) of bolt (5) of *Bruchner* with bearing pin (3)

would not be greater than the friction between the base and plate (1). Thus, at least dependent claims 4 and 10 are further patentable over the rejections of record.

### **III. Conclusion**

For all the reasons presented above, the pending claims, at least as amended above, distinguish over the prior art of record under 35 U.S.C. § 102. Accordingly, Applicant submits that this application is in condition for full allowance.

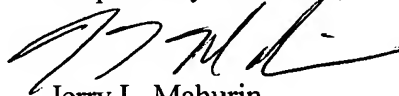
Applicant believes that all extension and RCE fees due with this response are dealt and authorized for payment in the accompanying RCE, Petition and/or transmittal(s). However, if an additional fee is due, please charge Deposit Account No. 07-0475, from which the undersigned is authorized to draw.

Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that the attorney can be helpful in resolving any remaining issues or can otherwise be helpful in expediting prosecution of the present application.

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Respectfully submitted,



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